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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DIAMOND RESORTS U.S. COLLECTION  
DEVELOPMENT, LLC, a Delaware Limited  
Liability Company,

Plaintiff,

v.

REED HEIN & ASSOCIATES, LLC d/b/a  
TIMESHARE EXIT TEAM, a Washington  
Limited Liability Company; BRANDON  
REED, an individual and citizen of the State of  
Washington; TREVOR HEIN, an individual and

Case No.: 2:17-cv-03007-APG-VCF

**JOINT STIPULATION AND ORDER TO  
EXTEND PRETRIAL DEADLINES**

**[Third Request]**

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citizen of Canada; THOMAS PARENTEAU, an individual and citizen of the State of Washington; HAPPY HOUR MEDIA GROUP, LLC, a Washington Limited Liability Company; MITCHELL R. SUSSMAN, ESQ. d/b/a THE LAW OFFICES OF MITCHELL REED SUSSMAN & ASSOCIATES, an individual and citizen of the State of California; SCHROETER, GOLDMARK & BENDER, P.S., a Washington Professional Services Corporation; and KEN B. PRIVETT, ESQ., a citizen of the State of Oklahoma,

Defendants.

Pursuant to Local Rules 6-1 and 7-1, Plaintiff, Diamond Resorts US Collection, LLC (“Diamond” or “Plaintiff”), and Defendants Reed Hein & Associates, LLC d/b/a Timeshare Exit Team, Brandon Reed, Trevor Hein, Thomas Parenteau (collectively “TET Defendants”), Happy Hour Media Group, LLC (“HHMG”), Mitchell Reed Sussman, Esq. d/b/a The Law Offices Of Mitchell Reed Sussman & Associates (“Sussman”), Schroeter Goldmark & Bender, P.S. (“Sussman”), and Ken B. Privett, Esq. (“Privett”, and with Sussman, SGB, HHMG and TET Defendants, collectively, the “Defendants”, and Defendants with Diamond, the “Parties”), hereby agree and stipulate and, in accordance with LR 26-4, the provide the following information.

**A. *Statement of the Discovery Completed***

On April 30, 2018, the Court entered its Discovery Plan and Scheduling Order [ECF No. 33] (the “Scheduling Order”), which set forth the pretrial deadlines in this matter. Since the entry of the Scheduling Order, the Parties have diligently pursued discovery and other motion practice in this matter.<sup>1</sup> This includes the following:

1. Each of the Parties has served the required Rule 26(a) Initial Disclosures. TET has served ten supplements; SGB has served two supplements; and Sussman has served six supplements. Both Privett and Plaintiff anticipate proving substantial supplements to their disclosures within approximately two weeks.

<sup>1</sup> HHMG, Sussman, SGB, and Privett were added as Defendants on January 4, 2019.

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2. Plaintiff has served four separate Requests for Production of Documents and three sets of Interrogatories on TET. TET has responded to each of the first three requests for production. Responses to the fourth set of are due on May 13, 2020 per agreement of the parties. Responses to the third set of interrogatories are currently due May 4, 2020.
3. Plaintiff has served two sets of interrogatories to Brandon Reed and HHMG. Both have responded to the first set, and responses to the second sets are currently due May 4, 2020.
4. Plaintiff has served interrogatories on Sussman, whose responses are due on May 4, 2020.
5. TET Defendants have served three sets of Requests for Production of Documents on Plaintiff. Plaintiff has responded to the first two requests. The deadline to respond to the Third request is currently May 14, 2020. TET also served Requests for Admissions to Plaintiff. The response deadline is also May 14, 2020.<sup>2</sup> Finally, TET Defendants served interrogatories to Plaintiff on April 20, 2020.
6. Plaintiff has served Requests for Production on Hein, Parenteau, Privett, SGB, and Sussman. Each of these Defendants has responded to the requests.
7. Sussman has served Plaintiff with First Sets of Requests for Production and Interrogatories. Plaintiff has responded to the written discovery requests.
8. The Parties have issued numerous third-party document production subpoenas, including subpoenas to the Better Business Bureau, Yelp, Inc., The Lampo Group, LLC, Lampo Licensing, LLC, and Timeshare Closing Services, Inc.
9. The Parties have taken the deposition of non-party Betty Lusk.
10. Several Parties dispute the sufficiency of written responses they have received, and are in the process of meeting and conferring to resolve disputes prior to court intervention.

Pursuant to the written discovery requests above, the Parties have exchanged (and are continuing to exchange) hundreds of thousands of documents related to the timeshare owner contracts and relationships at issue in this case. Additionally, given the recent filing of the Second Amended Complaint, the Parties are producing voluminous documents related to the several hundred timeshare owners identified therein.

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<sup>2</sup> TET also served two sets of Requests for Production of Documents on former Plaintiffs' DRI, Diamond Resorts U.S. Collection Development, LLC ("DRUSCD"), and Diamond Resorts Management, Inc. ("DRM") (collectively, the "Dismissed Parties"). The Dismissed Parties responded to the written discovery requests.

1           **B.       *Statement of the Discovery Remaining***

2           As contemplated in prior documents, Plaintiff anticipates seeking leave to conduct a  
3 substantial number of depositions, both by written question and in person. The parties  
4 participated in a meet and confer on April 20, 2020 to address the number of depositions, and a  
5 motion is likely forthcoming. The Parties anticipate the process for depositions on written  
6 questions will take considerable time to complete. Additionally, the Parties will need to conduct  
7 party and fact witness depositions. Due to the COVID-19 crisis, traveling for depositions is not  
8 feasible at this time.

9           Finally, the Parties anticipate that additional written discovery will be necessary, and  
10 motions to compel on various issues will likely be filed in the relatively near future

11           **C.       *Reasons Why Current Deadlines Cannot Be Satisfied.***

12           As this Court is aware, the Parties, this Court, witnesses, and our world in general are  
13 currently in the midst of an unprecedented global pandemic. In-person depositions are  
14 functionally impossible, and the timelines to respond to written discovery have been extended  
15 drastically due to major staffing reductions. While the parties are working diligently, the  
16 timelines that the parties contemplated in their prior stipulation are far different than they are  
17 today.

18           In addition to the above, the Parties continue to exchange discovery that is relevant to the  
19 remaining claims, alleged damages, and Defendants' defenses. As the Court is aware, this case  
20 involves voluminous document discovery, both as between the Parties and as to third parties.  
21 Plaintiff and TET have disclosed hundreds of thousands of pages of documents, plus additional  
22 ESI. Defendants SGB and Sussman have also disclosed a significant amount of documents. The  
23 sheer volume of the documents and ESI that have been exchanged (and continues to be  
24 exchanged), including the attendant collection, processing, and production of the information,  
25 has taken and continues to take a substantial period of time. The subsequent review of the  
26 documents and ESI has also proven burdensome.

27           The Parties do not anticipate the ability to complete the necessary productions, review the  
28 information, and complete depositions and expert reports within the current timeframes.

**D. Proposed Schedule for Amended Scheduling Order.**

The Parties have conferred, and unanimously agree, that they will be unable to meet the current deadlines. Based on the conferral, the Parties hereby stipulate that the Court should extend the pretrial deadlines set forth in the Scheduling Order:

<u>Event</u>	<u>Current Deadline</u>	<u>Extended Deadline</u>
<b>Initial Experts</b>	July 6, 2020	January 15, 2021
<b>Interim Status Report</b>	August 3, 2020	February 16, 2021
<b>Rebuttal Experts</b>	September 3, 2020	March 16, 2021
<b>Discovery Cut-Off</b>	October 28, 2020	May 7, 2021
<b>Dispositive Motions</b>	November 23, 2020	June 7, 2021
<b>Submission of Pretrial Order</b>	December 28, 2020	July 6, 2021 <sup>3</sup>

In accordance with paragraph 13 of the existing Scheduling Order and LR 26-4, this Stipulation is submitted more than twenty-one (21) days before any of the deadlines that the Parties seek to extend through this stipulation.

The parties anticipate filing dispositive motions in this matter. Thus, the deadline for filing the joint pre-trial order will likely be suspended until thirty (30) days after decision on the dispositive motions or further court order.

Dated this 22nd day of April, 2020

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and

RICHARD W. EPSTEIN, ESQ.

<sup>3</sup> Unless any party files a dispositive motion, in which case this deadline will be extended until 30 days after a ruling on all final dispositive motion.

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*Attorney for Defendant*

*Ken B. Privett, Esq.*

IT IS SO ORDERED

  
 UNITED STATES MAGISTRATE JUDGE

DATED: 4-22-2020